

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Panchayat Raj & Rural Development Department – Allegations of irregularities in execution of three road works in PR Division, Warangal and PR Division, Khammam District - Disciplinary proceedings initiated against Sri S. Ramakota Reddy, the then Executive Engineer, Panchayat Raj, Khammam and now I/c Superintending Engineer, Panchayat Raj, Mahaboobnagar and five (5) others – Case entrusted to Sri Lingaraj Panigrahi, IAS., Member, Commissioner of Inquiries, General Administration Department – Inquiry Report submitted – Further enquiry - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IA) DEPARTMENT

G.O.Rt.No. 1637.

Dated: 21-10-2013

Read the following:-

1. G.O.Rt.No.2304 , PR & RD (Vig.IA) Dept., dt.24.12.2012.
2. From Sri Lingaraj Panigrahi, IAS., COI, GAD, D.O.Lr.No.1/COI.LP/2013-1, G.A (COI.LP) Dept., dt. 04.03.2013.
3. G.O.Rt.No.1043, PR&RD (Vig.IA) Dept., dt. 27.06.2013.
4. From Sri Lingaraj Panigrahi, IAS., COI, GAD, D.O.Lr.No.222/COI.LP/2013, G.A (COI.LP) Dept., dt. 04.07.2013.

ORDER:

In the reference 1st read above, orders have been issued entrusting the case to Sri Lingaraj Panigrahi, IAS., Member, Commissioner of Inquiries, General Administration Department, under Rule 20 (2) of Andhra Pradesh Civil Services (CC&A) Rules, 1991, to conduct common enquiry into the charges framed against the following Six (6) Engineering Personnel, for the irregularities in execution of three (3) road works in PR Division, Warangal and PR Division, Khammam District.

S/Sri

- 1 S. Ramakota Reddy, the then Executive Engineer, panchayat Raj Division, Khammam presently I/c SE, PR Circle, Mahaboobanagar.
 - 2 Sri K. Ravinder, the then Executive Engineer, Panchayat Raj, QC, Warangal and now i/c Superintending Engineer, Panchayat Raj and working on deputation in Revenue (Disaster Management), A.P. Secretariat, Hyderabad.
 - 3 Sri N. Laxmipathi Rao, the then Dy.Executive Engineer, PR, Tirumalayapalem and now i/c EE, RWS&S at RWS&S Division, Kovvur of West Godavari District.
 - 4 Sri A. Vijay Kumar, the then Dy.Executive Engineer, Panchayat Raj Q.C Sub-Division, Khammam and now Executive Engineer, Panchayat Raj, Peddapalli of Karimnagar District.
 - 5 Sri P. Venu Babu, the then Asst. Executive Engineer, Panchayat Raj, Nelakondapalli and now Assistant Executive Engineer, Panchayat Raj Sub-Division, Prathipadu, Guntur District.
 - 6 Sri A. Krishna Rao, Asst. Executive Engineer, Panchayat Raj, formerly at QC, Khammam now at PRI Division, Khammam, District.
2. Sri Subrahmanya Sastry, Chief Engineer, Panchayat Raj, Hyderabad was also appointed therein as Presenting Officer to present the case before the Inquiry Officer, under Rule 20(5)(c) of A.P.Civil Services (CC&A) Rules, 1991.
3. In the reference 2nd read above, the Commissioner of Inquiries, has submitted his enquiry report to the Government holding that the charges framed against all the six (6) charged officers, are not proved.
4. After examining the enquiry report, orders have been issued in the reference 3rd read above, remanding back the case to the Inquiring Authority (COI), under Rule 21 (1) of A.P. Civil Services (CC&A) Rules, 1991, to conduct the inquiry, as per the provisions of the CCA Rules.

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5. In the reference 4th read above, the Commissioner of Inquiries, General Administration Department, have returned the case back to Government to review the Government Order and take appropriate further action on his earlier enquiry report.

6. Government have examined the matter and observed the following:-

1. The Vigilance Report No.100, dated 30.8.2010 in para 2.3 makes it clear that the 100 mm bottom metal layer Grade-I is not found at KM 5/820 but is observed from KM 6 to 8. The report also makes it clear that the site was inspected and sample was taken in the presence of the field officials. The Inquiry Authority has reported that the Charged Officers vehemently denied the allegations stating that in the test pit at 5/820, the V&E Officials have dug only upto 176 mm depth whereas the total depth of the road including BT layer is 270 mm. Thus, without even digging upto the depth of bottom layer the V&E has arrived at erroneous conclusion that the bottom metal layer (GI) is not found. The Inquiry Authority further stated that the study of material papers revealed that the V&E Engineers have dug this pit only to a depth of 176mm as against to a total thickness of 270 mm of the road. It is also reported that Sri Vigneswar Reddy, Dy. Executive Engineer who headed inspection team of V&E Department during his deposition also confirmed that they have dug only upto 176 mm depth in this test pit against a total thickness of 270 mm.
2. The design of road under investigation is made up of 4 layers. The bottom metal layer of 75 mm size is to be laid to a depth of 133 mm thickness and rolled to 100mm compacted thickness; the Grade-II layer made up of 63mm metal is to be laid to a thickness of 100mm rolled and compacted to 75mm thickness; the Grade-III layer of metal of 40mm size is to be laid to a thickness of 100mm and rolled and compacted to 75mm thickness. Over these 3 layers of metal, the BT layer is to be laid to a thickness of 20mm. Thus, one has to dig up to a depth of 170mm to 270 mm to determine the Grade-I layer fully. The V&E report makes it clear the pit was dug in the presence of field officials and they did not find the Grade-I metal layer at all in the reach of 5/820 to 6.00 KM at the point 5/820 KM. The report makes it clear that the weight of the metal in the pit @ 5/820 KM is 67 Kgs against the average thickness of 153mm that satisfies for only two layers of Grade-II & Grade-III. Thus, it was concluded that the GI layer was not executed at all even though the report does not mention about the depth from which sample is collected. There is no evidence in the report to say that the finding of the V&E team was based on erroneous sampling. It should also be noted that the field officials of PR Engineering Department were present at the time of sampling and there was no contrary opinion of protest from them. Thus, it is obvious that V&E Officials and Field Officials concluded that there was no Grade-I metal at all. It is pertinent to note that the V&E inspection report also recounts about the earlier inspection conducted by Quality Control Wing of PR Department which also certified the Grade-I layer but V&E Department considered it as a false certificate.
3. Appraisal of the evidence from the report of Inquiry Authority, the Vigilance Report No.100 of V&E Department shows that probably the top most part of the Grade-I layer was either missing or absent altogether at the site of Inspection i.e. 5/820 KM, may be because of rain damage. The V&E report further mentioned about the version of the charged officials Sri S. Ramakota Reddy, Sri N. Lakshmipati Rao and Sri P. Venu Babu stating that the road from KM 5/580 to 6/00 was affected by heavy rains due to which ruts were formed. The ruts were rectified as per required specifications and completed satisfactorily. But curiously, as per the version of the Asst. Executive Engineer the ruts were covered with gravel and sample might have been taken by the V&E team from such a gravel filled rut.
4. For all the reasons recounted at points 2 & 3 in para 6 above, the latter evidence put forth by the then CE, V&E based on a sample taken at KM 5/905 cannot be considered to be sufficient or proper to disapprove the report of V&E for the site at KM 5/820 KM. The sample at KM 5/820 KM was taken by V&E Department in the presence of Field Officials.

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7. For consideration of the aspects mentioned at para 6 ante, Government have, decided and accordingly hereby continue further enquiry with the Inquiring Authority (COI), to conduct further inquiry, as per the provisions of the CCA Rules, and submit report at an early date.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Lingaraj Panigrahi, IAS., Member, Commissioner of Inquiries, General
Administration Department & Enquiry Officer.
Sri P. Subrahmanya Sastry, Chief Engineer, Panchayat Raj, Hyderabad
& Presenting Officer.

Copy to:

The individuals concerned through the Engineer-in-Chief, Panchayat Raj / RWS&S,
Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

The Engineer-in-Chief, RWS&S, Hyderabad.

The G.A.(V&E) Department.

(Vigilance Report No.100 (1503/V&E/E2/2007-6, dt. 30.08.2010)

The Secretary to VC, APVC, Hyderabad.

The G.A.(COI.R) Dept.

SF/SC

// FORWARDED BY ORDER//

SECTION OFFICER